

# Optional instruments of the European Union

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## PROPOSITIONS

Relating to the Dissertation *Optional Instruments of the European Union: A Definitional, Normative and Explanatory Study*, by William A. Bull – 12 May 2016.

1. Optional Instruments (OIs) of the EU are distinguishable from EU harmonising legislation as they 'affiliate' rather than 'approximate' Member State legal systems.
2. All EU OIs introduce a '2<sup>nd</sup> national regime' into the national legal orders of the Member States.
3. EU OIs are intended to create EU regimes for EU activities, while at the same time avoiding undue disruption of national legal systems.
4. EU OIs strike a proportional balance between uniformity and diversity, thereby satisfying contrasting preferences of the European legislator, Member States and private individuals.
5. The attractiveness of EU OIs is affected not only by general factors and sector-specific factors, but also by instrument-specific factors, which can have a considerable or even decisive influence on the 'success' of Union optional instruments.
6. The optional instrument method is consistent with the notion of the Law Market and the idea of law as a product.
7. European Private law is a field of particular importance for EU initiatives towards the completion of the internal market.
8. The topic of new governance and regulatory techniques is high on the agenda in the context of European Union law.
9. When it comes to improving EU lawmaking, much depends on the question of competences.
10. Esperanto might not be widely spoken, but it hasn't done any harm either. Similarly, it can be argued that if an optional instrument is not widely chosen, it does not do any harm either.